

the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 293.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes, as amended.

The Clerk read as follows:

S. 323

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monu-

ment as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term "Map" means the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99". The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term "Park" means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

#### SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry,

appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

#### SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of

funds the Secretary shall complete an official boundary survey of the Park.

(d) **HUNTING ON PRIVATELY OWNED LANDS.**—

(1) **IN GENERAL.**—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) **TERMINATION OF AUTHORITY.**—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

**SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.**

(a) **EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.**—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as "Tract A" and consisting of approximately 4,419 acres.

(b) **ADMINISTRATION.**—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

**SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.**

(a) **IN GENERAL.**—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) **MANAGEMENT OF CONSERVATION AREA.**—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) **WITHDRAWAL.**—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) **HUNTING, TRAPPING AND FISHING.**—

(1) **IN GENERAL.**—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) **EXCEPTION.**—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) **USE OF MOTORIZED VEHICLES.**—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of enactment of this Act.

(f) **CONSERVATION AREA MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) **CONTENTS OF PLAN.**—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) **BOUNDARY REVISIONS.**—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

**SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.**

(a) **GUNNISON GORGE WILDERNESS.**—

(1) **IN GENERAL.**—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) **ADMINISTRATION.**—

(A) **WILDERNESS STUDY AREA EXEMPTION.**—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) **INCORPORATION INTO NATIONAL CONSERVATION AREA.**—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) **ADMINISTRATION.**—Subject to valid rights in existence on the date of enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) **STATE RESPONSIBILITY.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) **MAPS AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary

of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

**SEC. 9. WITHDRAWAL.**

Subject to valid existing rights, the Federal lands identified on the Map as "BLM Withdrawal (Tract B)" (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

**SEC. 10. WATER RIGHTS.**

(a) **EFFECT ON WATER RIGHTS.**—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of enactment of this Act, including any water rights held by the United States.

(b) **ADDITIONAL WATER RIGHTS.**—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

**SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) **PURPOSE OF STUDY.**—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) **SUBMISSION OF REPORT.**—Not later than 3 years from the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) **ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.**—

(1) **IN GENERAL.**—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled "Proposed Additions to the Curecanti National Recreation Area," dated 01/25/99, totaling approximately 1,065 acres and entitled "Hall and Fitti properties".

(2) **METHOD OF ACQUISITION.**—

(A) **IN GENERAL.**—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;  
 (ii) purchase with donated or appropriated funds; or  
 (iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

□ 1615

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 323, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, authorizes the establishment of a new National Park unit, the Black Canyon of the Gunnison National Park. This bill also expands the Black Canyon of the Gunnison Wilderness area and establishes the Gunnison Gorge National Conservation area.

Creation of this new park unit can also be attributed in large part of the hard work of our colleague, the gentleman from Colorado (Mr. MCINNIS).

Many people have worked hard on this bill in trying to accommodate all of the concerns associated with this important bill. For example, this bill will continue the use of grazing where it existed prior to creating the new park unit and will continue to allow hunting on privately owned land within the boundaries of the park.

Concerns dealing with water rights and off-road vehicle use also have been addressed.

Mr. Speaker, I would again like to commend our colleague, the gentleman from Colorado (Mr. MCINNIS), for the great work that he did.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SAXTON) for yielding me this time.

Mr. Speaker, in just a few moments we are going to be voting on the bill, S. 323, the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999.

For the benefit of my colleagues here on the floor, I thought I would show just a few pictures, photographs, of what we are about to make as a national park in the state of Colorado.

Colorado has not had a national park in 84 years. If ever there were a property in Colorado deserving of this special privilege, it is the Black Canyon.

A few moments here of a description of the Black Canyon, and at this time it would be appropriate to give credit to the Southwest Parks and Monuments Association, Tucson, Arizona. I think their description of the Black Canyon really best summarizes it for the short period of time that we have.

"Most people see the 20,000 acres of the Black Canyon of the Gunnison National Monument," soon to be a national park, "not from the river but from the south or north rims. We tip-toe up to the overlooks and clutch the guardrails with white knuckles before peering over the brink. Violet-green swallows dive and chitter among the sheer cliffs, fearless acrobats apparently oblivious to the gaping abyss. Nearly 2,000 feet below, nearly 2,000 feet below, we see the Gunnison River, like a tiny green thread but with a clearly audible roar. The water is so clear trout might be spied in the pools far below. The impressive effect of the scene reduces us to inadequate adjectives: gorgeous, awesome, spectacular."

Inevitably we start to wonder: What caused this great gorge here, and how do we allow all of the people of America to get the opportunity to see it?

Geologist Wallace Hansen says the Black Canyon was made possible by an interplay of coincidences. All of the right ingredients happened to come together in this part of the world to make the Black Canyon of the Gunnison. Start with a free-flowing river with lots of water and stir in a generous amount of sediment. It helps if the river is flowing down a very steep hill. Send the river through a raised block of some very hard rock. Spice sparingly with gully wash and frost action and simmer uncovered for a couple of million years. The Gunnison River was and still is the primary agent responsible for carving the Black Canyon.

Other canyons may have greater steepness or depth but few combine both of these attributes as magnificently as the Black Canyon. A few breathtaking statistics will suffice. At the Narrows at the river level, the gorge is 40 feet wide and the walls are 1,700 feet high. Below East Portal, the canyon is 1,920 feet deep. Painted Wall, Colorado's highest cliff, soars up a staggering 2,250 vertical feet.

The Black Canyon was named for the dark rock that makes up the walls, rocks that have been subjected to untold amounts of heat and pressure. Geologists call them basement rocks, for they are the foundation of the Earth's crust and often are deeply buried. This rock exposed in the canyon is much older than the canyon itself. Indeed, these basement rocks are among the

oldest rocks on the Earth, exceeding 1.7 billion years of age.

This legislation which we are about to vote on today has been a long time coming to the Western Slope of Colorado, and particularly the Colorado's third congressional district. It is a prime example of legislation which incorporates the input of local constituents and locally elected officials, as well as input from the Federal agencies involved; lots of team work. This is a well-developed and innovative approach to protecting unique natural resources for future generations in the most fiscally responsible manner possible.

Earlier this year, I introduced House Resolution 1165, the Black Canyon National Park and Gunnison Gorge National Conservation Area Act of 1999. I would like to extend my thanks to my fellow colleagues who joined me by cosponsoring this bill. I greatly appreciate their assistance and their support.

I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who has worked with me in the last hours to ensure that this legislation was brought to the floor today for prompt consideration.

Mike Strang, my predecessor from years ago, was the first one that introduced the bill on the Black Canyon and he, too, today is to be acknowledged.

Across the Capitol, Senator CAMPBELL who has spent endless hours on this and put a lot of energy and a lot of resources in to seeing that today we have reached this point where we can pass a bill on to the President for signature should also be congratulated and thanked. His effort is appreciated and will be appreciated for many generations to come.

I also should at this point thank the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG) and, of course, the subcommittee chairman, the gentleman from Utah (Mr. HANSEN), for their work in the Committee on Resources in quickly getting this bill through the committee and on to the floor.

This legislation does far more than simply create a new national park from what is now a national monument. This legislation establishes a cooperative approach to managing this natural resource and calls on all affected resource management agencies in the area to play key collaborative roles.

I want to stress that the collective management approach this legislation creates does not in any way require, imply or contemplate an attempt by the Federal court to usurp water rights, State water law or intrude upon private property rights.

The Secretary of the Interior will manage the entire area and will be able to utilize all fiscal and human resources in the administration and management of this natural resource in a

unique money-saving manner. This legislation will also eliminate redundant operations and form a coordinated, efficient, and fiscally responsible management structure.

Much work has been done to forge consensus on this issue, and I am pleased to bring forward this cooperative management plan for this beautiful example of our national and natural heritage.

Mr. Speaker, enactment of this bill will not, will not, be the last step in protecting the Federal lands in Colorado. As this bill demonstrates, when an area is appropriate for wilderness designation and when all of these outstanding issues have been satisfactorily addressed, the Colorado delegation will respond with appropriate legislation.

I would also note that other protection short of the absolute wilderness designation, such as a national park, may be appropriate in many cases, and I would encourage the Congress, Coloradans, the counties, local users and interests who would be impacted to consider this possibility when discussing how to best utilize public lands within Colorado.

I would like to take this opportunity to discuss certain perceptions regarding the need to preserve and protect our Nation's lands. As is evident by the different forms of land management utilized in my bill, the fact that Federal lands are not designated as wilderness does not mean that the land is not protected. In this area, as a result of this legislation, we will designate a national park, enlarge a wilderness area, and establish a conservation area. One can see the range of tools available to the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Parks Service to help protect and preserve the integrity of our lands.

Local control is a privilege that is already hard to come by and difficult to keep. Once an area is designated as wilderness, the option of local control is no longer available. It usurps that local control. The lands are then governed by a very strict Federal statute. For that reason, in my opinion, any wilderness proposal must carefully consider local interests before proposing broad wilderness designation.

In my support for public land-use policy, I have sought to achieve a common sense balance between local control, multiple use, and protecting Colorado's and the United States' resources. I have and will continue to support wilderness, or other forms of intense management, in Colorado that is well considered and which enjoys local support, such as the Black Canyon of the Gunnison legislation. I will continue to work to achieve appropriate levels of protection for the pristine and beautiful areas within Colorado.

Let me take just one moment to put this bill in its proper perspective. First

introduced in the 1980s by Mike Strang, as I mentioned earlier, this bill will create a new national park in the State of Colorado for the first time since 1915, when Rocky Mountain National Park was named. It has been almost 85 years since the last new national park in Colorado. I am thrilled to be here today, to be carrying this legislation and to team up with Senator CAMPBELL to take it through the United States Congress so that Colorado now has a new national park.

It has been a long time, 85 years. The last time we had a park in our State was in 1915, when Ford was still producing Model T Fords. Closer to home, Pancho Villa led raids into New Mexico and Texas; and in Denver, one could buy a loaf of bread for 5.6 cents. That is how long ago it has been.

Today is a big day for the State of Colorado. It is a victory for the United States Congress. It is a victory for the citizens of the United States.

We have a fiscally sound management plan helping protect our resources that does not lock out humans but instead can make all of us very, very proud of what we have in the Black Canyon and is very amply reflected in these photos.

We can see how long it has been since we have had that national park. Today this step we are going to take is a historic step.

Mr. Speaker, I close my statement by thanking all of my fellow Members for their time, and I urge all of the Members of the House to vote yes in support of the passage of S. 323.

I would finally point out, again, this is a cooperative effort, bipartisan. It was the local control that was key. This project did not start in the United States Congress. This project started in the town of Montrose, Colorado, a wonderful community in western Colorado. That is where this project started, locally. They sat down, they formed a consensus. They went to their State officials, and then they came to their Federal officials.

It is a victory for all of us, and I am proud to be the representative, representing the State of Colorado, on the House floor carrying this bill.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have a rare opportunity to build on one of the best ideas America has ever had. The creation of our national parks system has provided invaluable opportunities for the protection of our natural resources and for recreation and enjoyment of those resources by visitors from around the country and around the world.

The legislation before us will add a new park to the list, which includes places like Yellowstone, Yosemite, Grand Canyon, and Denali. We urge our colleagues to support it.

S. 323 will abolish the existing Black Canyon of the Gunnison National

Monument in western Colorado and create in its place the Black Canyon of the Gunnison National Park, along with a new national conservation and wilderness area.

□ 1630

The redesignation of this monument is an important step because it will allow us to better protect the valuable natural and cultural resources that make this area unique.

Because our national parks are so special, however, this is not a step we take lightly. This new park will be significantly larger than the existing monument. The bill also adds approximately 4,500 acres to the park and authorizes the purchase of another 2,500 acres in the future. In addition, it creates a new 57,000 acre National Conservation Area, 18,000 acres of which will be designated as wilderness. With these additions, these new parks will offer a variety of resources, scenery and, recreational activities characteristic to our national parks.

In addition, this legislation deals with difficult land management issues such as grazing and the use of off-road vehicles in a way that is consistent with the long-term protection of this sensitive area. We are especially pleased that the legislation, as amended, now includes agreed-upon language with regard to use of off-road vehicles that is consistent with other national conservation area designations.

We would like to thank the sponsor of this legislation as well as the gentleman from Utah (Chairman HANSEN) and the gentleman from Alaska (Chairman YOUNG) for working with us to craft a bill we can all support.

I should also mention the role of another UDALL in making this new park a reality. The gentleman from Colorado (Mr. UDALL) and his staff played a critical role in perfecting this bill, and I know this new park means a great deal to the gentleman from Colorado and his constituents.

I urge my colleagues to support S. 323. I also would like to say to the gentleman from Colorado (Mr. MCINNIS) that this is a very important moment for the State of Colorado. It has been 85 years, and it is a very special moment for the State of Colorado. I think the gentleman from Colorado (Mr. MCINNIS) has played a very key role in this far-sighted piece of legislation that we pass today. It truly is, as the gentleman has said, a bipartisan effort with the gentleman from Colorado (Mr. UDALL), the gentleman from Colorado (Mr. MCINNIS), Senator BEN NIGHTHORSE CAMPBELL all working together through the Committee on Resources to see that this is done and now is a reality happening here on the House floor.

I would also like to thank all of the members of the staff of the Committee on Resources that have worked on this

issue, and also Stan Sloss on the staff of the gentleman from Colorado (Mr. UDALL) I know has worked very hard.

Mr. UDALL of Colorado. Mr. Speaker, I support this bill. It is a measure of great importance to Colorado.

The Black Canyon National Monument is one of our State's treasures. Its establishment was a wise act of President Hoover that demonstrated the importance and value of the Antiquities Act. I am glad that we are moving today to build on that foundation by redesignating it as a National Park.

I am also very pleased that the bill includes designation of wilderness for nearby public lands managed by the Bureau of Land Management. As I've said before, I think we should make it a priority to act to protect the wilderness values of Colorado's BLM lands, and I hope that the Committee will soon consider further wilderness designations for those lands, such as those proposed by our colleague from the First District, Ms. DEGETTE.

As we considered the bill in the Resources Committee, I did have some concerns about some of its technical details. In particular, I was concerned that there might be some misunderstanding about how the bill would affect the status of water rights now held or claimed by the United States. I had been prepared to seek to amend the bill to clarify that point. However, thanks to the cooperation of the Subcommittee Chairman, Mr. HANSEN, language has been included in the Resources Committee's report on the bill that I think removes any possible misunderstanding.

As the report makes clear, section 10 of the bill is intended to assure that the existing water rights of the United States, conditional and absolute, are preserved unimpaired. The report also makes it clear that this bill will neither expand nor diminish the water rights held by the United States for the benefit of the monument and, upon enactment of this legislation, the national park, and that those federal water rights will retain both their priority date and their purposes. In addition, the report explains it is the existence of these federal water rights—and the fact that they will be transferred, unimpaired, to the new Black Canyon of the Gunnison National Park—that has led the Committee to conclude that the reservation of new federal water rights is unnecessary to protect the water-related values of the new national park, the new national conservation area, or the new wilderness designations.

I greatly appreciate the willingness of Chairman Hansen to work with me to make sure that the legislative history of this bill leaves no doubt about these very important points. I also am very glad that he and the other majority members of the Committee were willing to work with Mr. ROMERO-BARCELÓ, Mr. MILLER, and the rest of us on our side of the aisle to resolve questions about management of off-road vehicle use of some of the lands covered by this bill. The result is that the committee has been able to come to the House with a bill that enjoys broad, bipartisan support.

However, Mr. Speaker, there does remain one other matter of great importance to the future of this unit of the National Park System that is not directly addressed in the bill or the committee's report. It involves an imminent threat to the existing Black Canyon National

Monument. It centers on a tract of land—about 120 acres—that's a non-federal inholding within the current Monument boundaries.

This tract isn't a remote, isolated one. It is just inside the National Monument boundary. The land slopes up and away from the canyon rim. The Monument's Superintendent says it's important for protecting the views from the canyon overlooks—the parts of the Monument that attract the most visitors. What's more, there's a road on the tract—a main road into the Monument, as a matter of fact. And, right now, beside that main Monument road, there's something else, something new. It's a billboard advertising building sites for trophy homes or for a commercial activity like a bed and breakfast. "For sale," the billboard says, "Beautiful canyon views," with "World-class sunsets" and "year-round access on paved road."

This is not a theory, Mr. Speaker. This is a fact. This is a threat to this park.

From talking to other members of our state's delegation, and from listening to what other Coloradans are saying, I am convinced that almost everyone agrees that this threat needs to be averted and that these lands need to be shielded from development. But it seems that there is disagreement about how to achieve that goal.

For myself, I think the simplest and best thing to do would be for the United States to acquire full title for that inholding by paying the owner its full fair market value—but nothing more. The National Park Service has told me that they share that view.

Toward that end, when the bill was considered by the Committee I sought to amend it to include language that would authorize and direct the Secretary of the Interior to acquire whatever interests in these 120 acres the Secretary determines desirable in order to protect the resources and values of the Black Canyon of the Gunnison.

As it happens, that language was not adopted by the Committee, and it is not part of the bill before us today. I still think its inclusion would have made this good bill even better. However, I have agreed to having this bill be considered today under conditions that will preclude any attempt to add such language through an amendment on the House floor.

My agreement to this procedure was prompted, first, by the request of other members of our Colorado delegation—particularly Representative McInnis and Senator Campbell—and also by other factors:

First, I think this legislation's prompt enactment is highly desirable—and while I don't think adoption of my amendment should slow its progress, I have reluctantly concluded that some of our colleagues in the House, as well as some members of the other body, may not be prepared to give this bill appropriate consideration if it were so amended.

Second, even without further legislation the Interior Department already has some authority to respond to this imminent threat to the integrity of the Black Canyon, even though under current law that authority does not include the power to condemn the full fee title to the inholding.

And, finally, I have been assured that the National Park Service is moving to respond to the threat.

Shortly after the Resources Committee completed its consideration of this bill I wrote to the Secretary of the Interior to urge that prompt action be taken to respond to this threat to the National Monument—and, in response, I now have been assured that the Interior Department and the National Park Service agree with me about the need to take quick action and that they are initiating such action. For the record, I am including at the end of this statement the letters I have exchanged with the Interior Department and the National Park Service on this subject. As outlined in the letter to me from Denis Galvin (its Acting Director), the National Park Service is taking the necessary steps either to acquire full title to the inholding through an agreement with its owner or, in the alternative, to use its current authority to acquire a conservation easement to prevent incompatible development on the inholding.

Mr. Speaker, I hope that the National Park Service will not falter in this effort to protect the Black Canyon of the Gunnison—and I can assure the Service, our colleagues, and the people of Colorado that I am prepared to do all I can toward that same goal. As indicated in my letter to Director Stanton, I will do all I can, whether by way of new legislation or through seeking appropriation of necessary funds.

With regard to that question of funding, I recognize some may be concerned about the cost of heading off this threat. I understand that, and appreciate it. After all, we are talking about taxpayers' money.

But, Mr. Speaker, I would ask—what is the cost of doing nothing? What would be the cost to the Black Canyon if this land is transformed from open space into buildings? What would be the cost to the experience of visitors if this part of Colorado's countryside becomes yet another tract of trophy homes or commercial developments? I submit that those costs are not only hard to estimate—they are incalculable. I submit those costs would far exceed whatever money may have to come out of the Treasury to prevent that outcome.

And, I submit, legislation along the lines of the amendment I proposed in the Committee might well actually reduce the monetary cost to the taxpayers for protecting the Black Canyon.

Remember, under current law, the National Park Service can acquire full title to the lands only on whatever terms the owner will accept. Under my amendment, if there were an impasse over the fair market value of that full title, court would decide just what that value is, meaning how much the taxpayers are required to pay.

Without that kind of new authority, according to the letter to me from the Acting Director, the National Park Service likely would be required to pay about 90 percent of the same fair market value for a conservation easement that would prevent incompatible development but would leave an inholding to which there would be no established right of public access or use. I don't find that fully satisfactory for anyone—especially for the taxpayers—even though it would be better than allowing the development of these lands.

In conclusion, Mr. Speaker, while I think this bill would have been improved if the Committee had adopted my amendment it remains

a good and important measure that deserves the approval of the House, and I urge its passage.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 12, 1999.

Hon. BRUCE BABBITT,  
Secretary, Department of the Interior, Washington, DC.

DEAR SECRETARY BABBITT: I am writing to urge you to act to avert a serious threat to the integrity of the Black Canyon of the Gunnison National Monument.

As you know, Congress is currently considering legislation to elevate this monument to the status of a national park. On July 21, the House Resources Committee considered a bill (S. 323) to do that. I support this change in status, have been working to resolve some technical questions, and have voted to favorably report the bill to the full House.

Just before the Committee's consideration of the bill, it was learned that a tract of about 120 acres within the present boundaries of the monument has been acquired by a developer and is now being offered for sale for residential or commercial development. This property is bisected by a main road into the Monument and is in close proximity to the canyon rim. If houses or other structures were to be developed on these parcels, it would seriously affect the visual and environmental integrity of this National Park System unit and would seriously diminish the experience of visitors to this strikingly beautiful canyon.

In response, I sought to offer an amendment to authorize and direct you, as Secretary of the Interior, to acquire any and all interests in these lands that you might determine should be acquired in order to protect the resources and values of the Black Canyon.

As you know, under current law, the United States can acquire full title to these lands only with the agreement of the landowner, although lesser interests can be acquired in the absence of such agreement. In other words, full title can be acquired only upon the terms set by the developer. My amendment would have provided the National Park Service with full authority to acquire any and all interests in the land—for fair market value but not for whatever extortionate price might be demanded. While the Committee did not adopt this amendment, I stand ready to take further steps to protect the Black Canyon as may be appropriate. However, the bill has not yet reached the floor and, as you know, the House now has adjourned until September.

Under these circumstances, I think it is imperative for you to act promptly to address this serious situation, using authority currently available to the Department of the Interior if possible or by indicating what additional authority is required or would be desirable.

The Black Canyon of the Gunnison is one of the Colorado's crown jewels, and a national treasure as well. I feel sure you share my view that its protection is a matter of highest priority, and I look forward to your response to this urgent request.

Sincerely,

MARK UDALL.

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, DC, September 14, 1999.

Hon. MARK UDALL,  
House of Representatives,  
Washington, DC.

DEAR MR. UDALL: Thank you for your letter of August 12, 1999, to Secretary Babbitt.

I agree with you that we need to take quick action to protect a tract of land within the boundary of Black Canyon of the Gunnison National Monument that is now being offered for sale by TDX, Inc. for residential or commercial development. As the National Park Trust recently identified, inholdings in many national park areas pose a variety of threats to the purposes for which the units were established.

The authorities available to the National Park Service to resolve land issues at Black Canyon of the Gunnison National Monument are constrained by existing law that requires us to purchase fee title only from willing sellers. Therefore our first approach to protect this 120 acres would be to file a complaint in condemnation for full fee interest with consent from TDX, Inc. The National Park Service would put forth every effort to come to an agreement on the purchasing cost with TDX, Inc. However if TDX, Inc. is unwilling to sell in fee at the appraised price, an alternative would be to seek legislation to give the park the additional authority to settle this matter. Finally, if neither of the two previous actions work we would attempt to acquire a conservation easement for less than fee simple through the complaint in condemnation process. This last action would most likely require the National Park Service to pay approximately 90 percent of full fee value without gaining public access or use. While it would prevent incompatible development, TDX, Inc. would still own an inholding within the park.

We do not believe amending the legislation currently before Congress, S. 323, is the most effective solution. The sooner the present legislation passes, the more quickly we will be able to protect lands that are part of the proposed new boundary and prevent additional threats from developing. There are three tracts of private land, totaling 2,500 acres, within the proposed expansion area, each with a willing seller. Any delay to S. 323 could result in a change in ownership to an "unwilling" seller similar to TDX, Inc.

An independent appraisal for the TDX, Inc. parcel has been requested and we should have the results in the next 30 to 60 days. The fair market value of the property most likely will not meet the current asking price that may result in this action ending up in the courts for a final decision. Current appropriations most likely will not cover the cost of the TDX, Inc. acquisition. There are no funds appropriated for other available parcels called for in this legislation.

We are fully committed to the passage of S. 323 in this session, and to the protection of all resource values in Black Canyon of the Gunnison National Monument. It may take different methods to accomplish our goals. We are willing to work with you, as well as the rest of the Colorado delegation in order to do this in the best and most efficient way possible.

Sincerely,

ROBERT STANTON,  
Acting Director.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 24, 1999.

Mr. ROBERT G. STANTON,  
Director, National Park Service,  
Washington, DC.

DEAR DIRECTOR STANTON: Thank you for Acting Director Galvin's response to my letter to Secretary Babbitt about the need to protect the integrity of the Black Canyon National Monument.

I am glad that the National Park Service and the Department of the Interior agree

that quick action is needed to protect the TDX tract within the Monument, and that act toward that end is now underway. I also agree that acquisition of the full fee to the land pursuant to an agreement with TDX would be the optimal outcome.

At the same time, as your letter indicates, it's essential that the National Park Service be prepared to act to protect this unit of the National Park System even in the absence of such an agreement. I have been and remain prepared to seek adoption of legislation to provide the Service additional authority with respect to acquisition of these lands. However, it would be unrealistic to assume that such legislation could be enacted before Congress adjourns this fall. Therefore, it's imperative that the National Park Service continue all necessary preparations to use its existing authority to acquire a conservation easement on the TDX tract through the condemnation process in the event that the Service does not reach an agreement for acquisition of the full title. You can be sure that I will do all I can to assist in that undertaking, including seeking appropriation of the necessary funds.

I look forward to continue working with you and the other members of Colorado's delegation in the Congress to protect the Black Canyon of the Gunnison and to complete action on the legislation that will establish it as a National Park.

Sincerely,

MARK UDALL.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 323, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

#### PROVIDING FOR MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 944) to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

The Clerk read as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,